UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,332	03/01/2004	Jing Zhu	08226/1200369-US1	9009

38880 7590 11/14/2005	EXAMINER
DARBY & DARBY P.C. P.O. BOX 5257 NEW YORK, NY 10150-6257	NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/790,332	ZHU ET AL.
	Examiner	Art Unit	
	Quang N. Nguyen	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

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1.   This Office Action is in response to the Amendment filed on 10/11/2005. Claims

1 and 16-19 have been amended. Claims 1-19 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Ingerman et al. (US 2004/0255122 A1), hereinafter referred as Ingerman.

4.   As to claim 1, **Ingerman** teaches a method for filtering messages for a node on a

network, comprising:

     determining a degree of separation between each of a plurality of nodes that are

associated with a first node, wherein the first node and at least a portion of the

associated plurality of nodes are granted membership in a community based on a

number of degrees of separation between the first node and a second node in the community *(entities corresponding to message addresses 222, 223, and 224 retrieved from address list 221 can be viewed as one degree of separation away from entity 291)* **(Ingerman, Fig. 2 and paragraphs [0054] and [0058])**, and wherein the granting of membership in the community is limited by at least an adaptive cut-off radius for the community *(for example, a particular messaging environment can be configured to store trust information up to four degree of separation, i.e., 32 to the exponent of 4th or approximately one-million)* **(Ingerman, paragraph [0091])**;

determining a level of trust for the first node in the community based on the number of degrees of separation between the first node and another node in the community *(information in trust list, i.e., degrees of separation, can indicate a level of trust between 2 entities)* **(Ingerman, paragraphs [0052 and 0054])**; and

if a message is received by the first node in the community from the other node in the community, employing the level of trust associated with the other node to determine if the message is to be delivered to at least one trusted folder associated with the first node *(inherently, if the received message, whose sending address is identified or stored in the trust list, i.e., identified as a non-spam message, then it is transferred to the recipient user's inbox)* **(Ingerman, paragraph [0016])**.

5.   As to claim 2, **Ingerman** teaches the method of claim 1, wherein the message is one of email, Short Message Service (SMS), Multi-Media Message Service (MMS), and

Instant Message (IM) *(categorizing electronic messages)* (**Ingerman, paragraph [0017]**).

6.   As to claim 3, **Ingerman** teaches the method of claim 1, wherein determining the degree of separation between each of the plurality of nodes associated with the first node, further comprises determining each degree of separation between each node based at least in part on a listing in at least one of a contact list, a buddy list, a received message, a forwarded message, a saved message, a sent message, an Internet Service Provider (ISP), an online chat room, an online group, on-line social network, and a message classified as non-spam *(i.e., determining each degree of separation between each node based on address book entries)* (**Ingerman, paragraph [0054]**).

7.   As to claims 4-5, **Ingerman** teaches the method of claim 1, wherein the number of degrees of separation between the first node and the second node in the community is selectable, and wherein the level of trust associated with the other node is selectable (**Ingerman, paragraph [0054]**).

8.   As to claims 6-7, **Ingerman** teaches the method of claim 1, wherein the trusted folder includes at least one of an inbox folder and a folder where unread messages are further processed after a period of time, and wherein the processing after a period of time further comprises at least one of deleting the message, a white list filter, a black list filter, and a content filter (**Ingerman, paragraphs [0014 and 0016]**).

9.   As to claim 8, **Ingerman** teaches the method of claim 1, further comprising if another message is received from a source outside the community of nodes, employing at least one anti-spam filter to perform at least one of delete the other message and deliver the message to an untrusted folder *(based on trust list information and/or activity store information, employing plug-ins to calculate the urgency of a message, categorize a message as an unwanted/unsolicited message, or cause other plug-ins such as a junk mail plug-in to process or bypass further processing)* **(Ingerman, paragraph [0048]).**

10.   As to claim 9, **Ingerman** teaches the method of claim 1, wherein determining the degree of separation between each of the plurality of nodes, further comprises: determining if one of the nodes in the plurality of nodes is separated by one degree of separation from a number of nodes that is greater than a predetermined level *(e.g., 32 unique first degree contacts)*; and identifying each node as a super node whose number of nodes that are separated by one degree of separation is greater than the predetermined level, wherein a level of trust for each node solely associated with super node is reduced *(plug-in 272 can be configured to categorize email 216 based on the desires of the plug-in developer, for example, the messaging environment can be configured to store trust information for up to four degrees of separation, and when a messaging entity has a reduced reliability index, the trust associated the messaging entity can decrease)* **(Ingerman, paragraph [0091]).**

11.   As to claim 10, **Ingerman** teaches the method of claim 1, wherein determining the degree of separation, further comprises determining that a first degree of separation from the first node is a membership in at least one of a contact list and a buddy list *(entities corresponding to message addresses 222, 223, and 224 retrieved from address list 221 can be viewed as one degree of separation away from entity 291)* **(Ingerman, Fig. 2 and paragraph [0054]).**

12.   As to claim 11, **Ingerman** teaches the method of claim 1, wherein the determining the degree of separation, further comprises determining that a first degree of separation from the first node includes a listing in more than one of a contact list *(i.e., entities corresponding to message addresses 222, 223, and 224 retrieved from address list 221 can be viewed as one degree of separation away from entity 291)*, a buddy list, a received message, a forwarded message, a sent message, an Internet Service Provider (ISP) *(i.e., entities in the same domain, considered as local messaging entities)* an online chat room, an online group, an on-line social network, and a message classified as non-spam **(Ingerman, Fig. 2 and paragraphs [0020, 0054 and 0067]).**

13.   As to claim 12, **Ingerman** teaches the method of claim 1, further comprising assigning a high level of trust to each node that is separated from the first node by one degree of separation *(assigning a high level to each node/entity in the address book, i.e., separated by one degree of separation)* **(Ingerman, paragraphs [0053-0054]).**

14.   As to claim 13, **Ingerman** teaches the method of claim 1, further comprising if a number of first degree of separation associations with nodes for the first node is less than a threshold *(e.g., for less than 32 unique first degree contacts, then the messaging environment can be configured to store trust information up to four degree of separation, i.e., 32 to the exponent of 4th or approximately one-million, other messaging entities)*, automatically providing membership in the community to each node associated with the first node **(Ingerman, paragraph [0091])**.

15.   As to claim 14, **Ingerman** teaches the method of claim 1, further comprising revoking the level of trust associated with the other node based on actions related to unsolicited messages *(when a messaging entity is identified as sending unwanted and/or unsolicited messages, the trust associated the messaging entity can decrease, i.e., can be revoked)* **(Ingerman, paragraph [0092])**.

16.   As to claim 15, **Ingerman** teaches the method of claim 1, further comprising enabling each message alias for one node to be handled as the same node *(inherently, an alias is an alternate label for some object, therefore each message alias for one node should be handled as the same node)*.

17.   Claims 16-19 are corresponding server, client, and carrier wave signal claims of method claim 1; therefore, they are rejected under the same rationale.

Response to Arguments

18.   In the remarks, Applicant argued in substance that

(A)   Prior Art **(Ingerman)** provides for no such adaptive cut-off radius for limiting prospective members in a community.

As to point **(A)**, **Ingerman** teaches for example, it maybe that in a particular messaging environment each message entity has 32 unique first degree contacts, each of the 32 unique first degree contacts also have 32 unique first degree contacts, etc. and that <u>the particular messaging environment can be configured to store trust information up to four degree of separation, i.e., 32 to the exponent of 4th or approximately one-million, other message entities</u> *(i.e., 32 to the exponent of 4th or approximately one-million is the adaptive cut-off radius for limiting prospective members in the sample community)* **(Ingerman, paragraph [0091]).**

19.   Applicant's arguments as well as request for reconsideration filed on 10/11/2005

have been fully considered but they are not deemed to be persuasive.

20.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER